

Selman Breitman LLP  
ATTORNEYS AT LAW

1 JAMES R. TENERO (SBN 201023)  
2 CHRISTOPHER C. RANCK (SBN 283873)  
SELMAN BREITMAN LLP  
3 33 New Montgomery, Sixth Floor  
San Francisco, CA 94105-4537  
Telephone : 415.979.0400  
4 Facsimile : 415.979.2099  
Emails : jtenero@selmanlaw.com  
5 : cranck@selmanlaw.com

6 Attorneys for Plaintiff  
Scottsdale Insurance Company

7 STEPHEN P. ELLINGSON (SBN 201023)  
8 JONATHAN K. MYERS (SBN 306756)  
HAYES SCOTT BONINO ELLINGSON & MCLAY  
9 203 Redwood Shores Parkway, Suite 480  
Redwood Shores, CA 94065  
10 Telephone : 650.637.9100  
Facsimile : 650.637.8071  
11 Emails : sellingson@hayesscott.com  
: jmyers@hayesscott.com

12 Attorneys for Defendant  
13 Hudson Specialty Insurance Company

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT – SAN FRANCISCO DIVISION

17 SCOTTSDALE INSURANCE COMPANY, a  
corporation,

Case No. 3:15-cv-02896-HSG

19 Plaintiff,

STIPULATION AND ORDER REVISING  
THE COURT'S AMENDED  
SCHEDULING ORDER

20 v.

21 HUDSON SPECIALTY INSURANCE  
COMPANY, a corporation,

22 Defendant.

24 Plaintiff Scottsdale Insurance Company ("Scottsdale") and Defendant Hudson Specialty  
25 Insurance Company ("Hudson"), referred to collectively as the "Parties", by and through their  
26 respective counsel, hereby stipulate to revise the Court's September 28, 2016 Amended  
27 Scheduling Order (Dkt. 40) as follows:  
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1       **I.       RECITALS**

2       1.       WHEREAS, the Parties previously agreed to hold an Early Neutral Evaluation  
 3 session (the "ENE") on October 12, 2016, at 10:30 a.m., with the Evaluator appointed by the  
 4 Court.

5       2.       WHEREAS, the Parties requested that the Court enlarge the operative Scheduling  
 6 Order (Dkt. 37) because, among other reasons, the initial fact discovery cutoff set by the  
 7 Scheduling Order was October 5, 2016, prior to the date of the ENE.

8       3.       WHEREAS, on September 28, 2016, the Court issued an Amended Scheduling  
 9 Order (Dkt. 40), setting deadlines for fact discovery, expert discovery, and dispositive motions.  
 10 The Amended Scheduling Order set November 3, 2016 as the fact discovery cutoff.

11      4.       WHEREAS, on September 29, 2016, the Court served a Notice (Dkt. 41)  
 12 withdrawing the appointment of the assigned Evaluator for medical issues and taking the ENE  
 13 set for October 12, 2016 off calendar. The Notice advised that the ADR Unit would appoint  
 14 another Evaluator shortly.

15      5.       WHEREAS, the Parties agreed to submit a stipulated list of alternative ENE  
 16 Evaluators to the ADR Case Administrator, and did submit such list on October 4, 2016.

17      6.       WHEREAS, the ADR Unit has not, to date, appointed another ENE Evaluator.

18      7.       WHEREAS, the Parties still wish for the ENE to be held prior to the fact  
 19 discovery cutoff, currently set for November 3, 2016.

20      8.       WHEREAS, the parties have exchanged and responded to written discovery and  
 21 document requests to obtain necessary evidence, but wish additional time to meet and confer  
 22 regarding discovery issues and an opportunity to propound additional written discovery, obtain  
 23 additional documents, and/or conduct depositions following the ENE and prior to filing  
 24 dispositive motions. The Parties recognize that the Court's determination of the Parties'  
 25 dispositive motions could terminate this case.

26      9.       WHEREAS, the deposition of third party Alliant Specialty Insurance Services,  
 27 Inc. ("Alliant") has been noticed. Alliant is the broker through which the Parties' mutual named  
 28 insured obtained insurance coverage from the Parties. The Parties are meeting and conferring

1 with Alliant and its counsel to schedule a mutually available date on which to conduct the  
2 deposition. Additional time to conduct fact discovery would alleviate the currently encountered  
3 difficulties of scheduling a date agreeable to all counsel and Alliant's witness(es).

4       10. WHEREAS, the Parties have mutually agreed that no experts need be retained in  
5 this matter, as the dispute between the Parties is a question of law.

6       11. WHEREAS, no trial date has been set in this matter.

7       12. WHEREAS, the Parties do not seek any extension of dates currently set by the  
8 Amended Scheduling Order except for the fact discovery cutoff.

9       13. WHEREAS, the parties have been working diligently toward moving this case  
10 forward in an efficient, expeditious manner. The Parties wish to litigate this matter in a cost-  
11 effective manner and avoid unnecessary attorneys' fees and costs.

12       14. WHEREAS, the Parties have agreed to submit this Stipulation and [Proposed]  
13 Order to Revise the Court's Amended Scheduling Order.

14       15. Accordingly, the Parties hereby stipulate to revising the Court's September 28,  
15 2016 Amended Scheduling Order as follows.

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**II. STIPULATION**

The parties hereby stipulate to the following revisions to the Court's Amended Scheduling Order:

<b>Scheduled Event</b>	<b>Date</b>
Fact Discovery Cutoff	December 2, 2016  (currently November 3, 2016)
Exchange Initial Expert Reports	November 17, 2016  <b>(NO CHANGE)</b>
Exchange Rebuttal Expert Reports	November 30, 2016  <b>(NO CHANGE)</b>
Expert Discovery Cutoff	December 14, 2016  <b>(NO CHANGE)</b>
Deadline to Hear Dispositive Motions	January 26, 2017 at 2:00 p.m.  <b>(NO CHANGE)</b>

DATED: October 26, 2016

SELMAN BREITMAN LLP

By: /s/Christopher C. Ranck  
 CHRISTOPHER C. RANCK  
 JAMES R. TENERO  
 Attorneys For Plaintiff  
 Scottsdale Insurance Company

DATED: October 26, 2016

HAYES SCOTT BONINO ELLINGSON &  
 MCKAY

By: /s/Stephen P. Ellingson  
 STEPHEN P. ELLINGSON  
 JONATHAN K MYERS  
 Attorneys For Defendant  
 Hudson Specialty Insurance Company

1                   **[PROPOSED] ORDER**

2                   Pursuant to the parties' stipulation, the deadlines set by the Court's Amended Scheduling  
 3 Order are continued as follows:

<b>Scheduled Event</b>	<b>Date</b>
Fact Discovery Cutoff	December 2, 2016
Exchange Initial Expert Reports	November 17, 2016 <b>(NO CHANGE)</b>
Exchange Rebuttal Expert Reports	November 30, 2016 <b>(NO CHANGE)</b>
Expert Discovery Cutoff	December 14, 2016 <b>(NO CHANGE)</b>
Deadline to Hear Dispositive Motions	January 26, 2017 at 2:00 p.m. <b>(NO CHANGE)</b>

16                   **IT IS SO ORDERED.**

17                   Dated: October 27, 2016

18                   By \_\_\_\_\_

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 20                   HONORABLE HAYWOOD S. GILLIAM, JR.  
 21                   UNITED STATES DISTRICT JUDGE  
 22                   NORTHERN DISTRICT OF CALIFORNIA